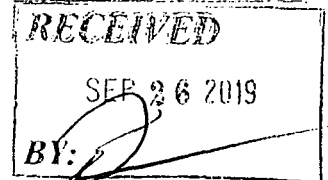


Sept. 22, 2019

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Sept. 26, 2019

Case Number: 20-31

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Jesse Baxter

Premise Name: Mile High Animal Hospital

Premise Address: 334 White Spar Road

City: Prescott State: AZ. Zip Code: 86303

Telephone: (928) 445-4581

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Bonita Loken

Address: [redacted]

City: [redacted] State: [redacted] Zip Code: [redacted]

Home Telephone: [redacted] Cell Telephone: [redacted]

No computer - No Cell

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

Sept. 22, 2019

C. PATIENT INFORMATION (1):

Name: Kayla Loken
Breed/Species: Wolf Mexican Gray
Age: 6 Sex: F Color: Black-Gray-White

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Dr. Jesse Baxter (No one else)
334 White Spar Road
Prescott, AZ. 86303
(928) 445-4581

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

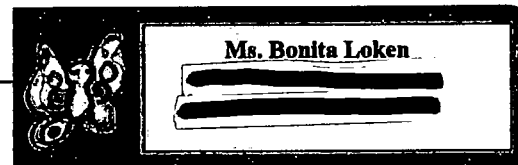
Gary OLSON (husband)

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Bonita Loken

Date: Sept. 23, 2019



Phone # ([REDACTED])

Sept. 22, 2019

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I am sending copies of the correspondence between myself and Doctor Baxter.

Per Agreement when I made Kayla's appointment Dr. Baxter was to be the only person to do the surgery and take care of her afterwards. I think Kayla was neglected and the infection came back even though I gave her all the medication I purchased at the time.

During the one phone conversation between Dr. Baxter and me she suggested Kayla could have had cancer and that could have killed her.

When she came up with the cancer thing I got suspicious and thought of a cover up. (See Notes.) I would like a refund of \$367.25 because there is nothing else I can do.

Thank you.

Bonita Loken

Letter #1

April 23, 2019

Dr. Jesse Baxter:

When we spoke on the phone after Kayla's death the cancer thing you came up with was just a smoke screen to distract me from what really went on in there. You said it 3 or 4 times, but I didn't believe it. How could she be 100% healthy before and for about 10 days after surgery then die suddenly?? I looked in her mouth with a flash light and her top jaw was swollen and very red. Bad breath too.

When I made an appointment for Kayla I verified that you did it all. Then you told me you had an assistant help out. What exactly did she do? Did you supervise her work?? Who cleaned the infection out of her jaw and who stitched it up?? Maybe the infection wasn't entirely cleaned out and the stitches sealed it in. I hired you not your helper. Somebody messed up.

Kayla was running and playing and when she started slowing down I thought she ate too much grass or the wrong kind. I trusted you took care of her but don't believe you did. I am requesting \$967.20 back for your fee. If your insurance won't pay for it take the money out of the rainy day fund or your pocket. Take responsibility for what went wrong in there. If I don't get my money back I would like to speak with the owner.

Kayla's death greatly affected me, Gary, my family and many neighbors. She was like a celebrity around here. I got so depressed after her death I had to take medication and I'm still crushed.

I took her in there to have her teeth cleaned and she left with a death sentence. We would probably had her 5 or 6 more wonderful years. Tundra was 13 when she died.

Refunding my money is the least you can do. I plan on staying in touch until that happens.

That biopsy stuff won't be happening, we all know why she died. She would here today if I hadn't had her teeth cleaned.

Letter # 2

May 22, 2019

Dr. Jesse Baxter:

KAYLA was an exotic animal that needed all of your attention as was verified when I made the appointment for her. I didn't want your assistant to do anything except hand you the instruments. WHAT REALLY HAPPENED to her? I am requesting a copy of her surgery from beginning to end. How could you say Kayla would have died immediately following the anesthetic when she died from the infection left in her jaw? Why do you say that?

I did call to report Kayla's death around 2 weeks not 5 as you say. When the girl took the call she said "OH NO!" I'll tell the doctors."

If Kayla was LYING around sick as you suggested it didn't happen that way. When a wolf is in a pack they hide or they will be killed or run off. If she was sick she hid it from us. We didn't notice. She did eat a lot of grass and who knows what else from the forest. She did slow down a bit and threw up grass and hair but that was normal. There is always new grass cropping up. I walked her in the forest and she was spunky as usual. Who knew? Then I found her dead. Your interpretation seems to be that I neglected her. I loved her more than I could ever express. I was traumatized for a long time.

You shouldn't have taken the job unless you knew wolves are different than dogs. Their body fat is 7 to 12% whereas a dog's is 14 to 28% depending on the breed. Their metabolism is too. So are their teeth. Different set of rules. The infection in her jaw wasn't cleaned out and it came back. Which one of you was responsible for that? Kayla didn't get the proper care.

I am requesting a complete copy of Kayla's surgery. I am requesting a refund of \$367.20. I would also like to speak with the owner if I don't get my refund. I'm not going away.

Bonita Loken

Attention: Dr. Jesse Baxter

Fax # (928) 776-1623



first reply

April 29, 2019

Dear Bonita,

I am truly sorry for your loss of Kayla. I know how much she meant to you and the loss of a pet can leave such a hole in your heart.

I am writing to let you know that Mile Hi Animal Hospital and I will not be reimbursing you for dental services rendered to Kayla prior to her death in December 2018. The dental did not cause Kayla's death. We know this due to the time frame of events that occurred prior to her death. The dental took place on October 25, 2018 and she did not die until December 20, 2018. We have previously discussed the fact that she did great following her dental and did not become ill until the first week of December (A death related to the dental would have occurred immediately following the anesthetic.) Once she became ill, you did not seek medical care from our clinic to determine what she was sick with. There was no way for us to intervene and help Kayla without an exam. Finally, you did not notify us for 5 weeks following her death therefore making it impossible to determine the actual cause of death with a necropsy.

Again, I am very sorry for your loss and I hope time will allow you to heal.

Sincerely,

Jesse Baxter

Jesse Baxter

October 7, 2019

Dear AZ State Veterinary Medical Examining Board,

I am writing in response to the complaint 20-31, Re: Jesse Baxter, DVM. I started seeing "Kayla", who belonged to Bonita Loken, on 4/28/2011. I saw her for all of her wellness visits in 2011 including her ovariohysterectomy, an episode of decreased appetite in 2012, wellness visits in 2012, 2014, 2015 and then again in 2018.

On September 18, 2018 I saw "Kayla" for an exam. Bonita's chief complaint was scratching at her ears and snapping at the air and drooling. On exam, she had flea dirt and wounds on her ears. She also had moderate calculus. At that time I prescribed Nexgard for the fleas, quadritop to treat the wounds on her ears, Apoquel to stop the scratching and I recommended a dental cleaning.

On October 25, 2018 I saw "Kayla" for a dental cleaning. She was checked in for the procedure by one of the technicians where she signed the surgical/procedure consent form. The form explicitly states that "...I understand that hospital support personnel will be employed as necessary by the veterinarian. I have been advised as to the nature of the procedures or operations and risks involved. I realize that results cannot be guaranteed." She also noted to the technician that extractions were "ok".

At 8:15 am I gave "Kayla" a premedication of 0.25 ml butorphanol (10mg/ml) and a hub of acepromazine (10mg/ml) subcutaneously. Her blood was drawn and a preanesthetic panel was performed. Bloodwork looked good with a single abnormality of a slightly decreased ALKP at 17. At 9:10 am I began to induce anesthesia by placing a 22ga iv catheter in her RIGHT front leg. I gave her 11 cc of Propofol (10mg/ml) iv. I intubated her with a 10 ET tube and placed her on Oxygen (1 liter/min) and Isoflurane 2%. We started her on LRS iv at 230 ml/hour. My technician Brianna Turpin cleaned her teeth. She blocked her upper RIGHT quadrant with 0.2 ml lidocaine (20mg/ml). I cut the tooth #109 into 3 pieces and extracted tooth #109 (upper right M1) because it was mobile. The extraction site was closed with 4-0 gut. Anesthesia was turned off at 10:12 am and she was extubated at 10:20 am. Her recovery was smooth and uneventful.

On October 26, 2018, Erin Geraghty (one of the receptionists at Mile Hi) contacted Bonita and "Kayla" was "back to normal".

On January 16, 2019, Bonita Loken returned to Mile Hi Animal Hospital for her free Yavapai Humane Society exam with a new pet named "Stella" and she was seen by Dr. Yank. She did not mention the death of "Kayla" during the visit.

On January 30, 2019, Bonita called Mile Hi Animal Hospital and spoke with our receptionist Erin Geraghty and told her that "Kayla" had passed away on December 20, 2018.

On February 25, 2019, Bonita called me to get her money back from the dental because her dog died two months after the dental had been performed. I explained I was very sorry for her loss and asked what happened after the dental. She said she was feeling great after the dental. She was eating well until two weeks before she died. I explained that the dental had gone well and she only had one extraction. She said she had started declining around December 5 or 6 and wouldn't eat and didn't want to get up. I asked why she didn't bring her in during that time and she said she was going to the day she died but they found her dead. I explained that it didn't sound like it was from the dental and something else had happened. She asked if I had insurance so she could get her money back. I told her no, there would have to be proof that the dental caused her death like a necropsy. She said ok then proceeded to tell me that when she died there was a red spot in her mouth at the extraction site. I asked her to explain in more detail and she said it was a big white spot

OCT 21 2019

like infection. She was very sad she lost "Kayla". We then discussed her new dog and I again told her I was sorry for her loss.

On April 23, 2019, I received a faxed letter from Bonita about "Kayla's" death and demanding that I pay her for the dental fees and accusing me of causing her death secondary to the dental (see attached letter dated April 23, 2019). She claimed that I was the only one to be involved with the dental procedure however she clearly signed the surgical/procedure consent form (see attached Mile Hi Animal Hospital canine surgical/procedure consent form) where it is stated that this is not the case and I am able to use support personnel at my discretion (i.e. scaling and polishing teeth). I did not give Bonita the impression that I would be the only person working on "Kayla" the day of her dental, that is not how things are done at Mile Hi Animal Hospital. I gave this letter to my boss Dr. Brice Smith, the owner of Mile Hi Animal Hospital. He asked me to address it in writing. I sent her the following letter:

Dear Bonita,

I am truly sorry for your loss of Kayla. I know how much she meant to you and the loss of a pet can leave such a hole in your heart.

I am writing to let you know that Mile Hi Animal Hospital and I will not be reimbursing you for dental services rendered to Kayla prior to her death in December 2018. The dental did not cause Kayla's death. We know this due to the time frame of events that occurred prior to her death. The dental took place on October 25, 2018 and she did not die until December 20, 2018. We have previously discussed the fact that she did great following her dental and did not become ill until the first week of December. A death related to the dental would have occurred immediately following the anesthetic. Once she became ill, you did not seek medical care from our clinic to determine what she was sick with. There was no way for us to intervene and help Kayla without an exam. Finally, you did not notify us for 5 weeks following her death therefore making it impossible to determine the actual cause of death with a necropsy.

Again, I am very sorry for your loss and I hope time will allow you to heal.

Sincerely,

Jesse Baxter


On May 22, 2019, I received a second fax letter from Bonita (see attached letter dated May 22, 2019). The accusations and harassment continued throughout the letter. She completely changed her account of the events leading up to Kayla's death – in this letter she was fine and then died which was very different than the original phone call. She also decided in this letter that as a "wolf" she needed different care than a regular canine. I'd like to address Bonita's choice of "Kayla's" breed. When Bonita first brought "Kayla" to Mile Hi Animal Hospital she insisted we call her a wolf hybrid rather than an arctic breed or northern breed like we believed her to be. She never provided us with any paperwork from a breeder or point of origin. The vaccination paperwork that she provided from the Yavapai Humane Society vaccine clinic states she is a German shepherd mix. In her board complaint she calls her a Mexican Grey Wolf. In my opinion this dog appeared to be a very thin unkempt example of a northern breed. These discrepancies in breed is just another example of the inconsistencies Bonita Loken held about "Kayla". Regardless of the breed, I have been providing quality medical care to "Kayla" for the last 6 years of her life. This care included another anesthetic procedure, her ovariohysterectomy, which showed my capabilities of handling her anesthesia in spite of breed. She then continued on in the letter and she repeatedly talked about

an "infection" which was not the case at her dental. She had mild gingivitis and a single extraction (due to the tooth being mobile) so I sent her home with antibiotics following the dental which is common practice following an extraction in a canine mouth to avoid infection. I did not respond to the second letter because I had clearly articulated Mile Hi Animal Hospital's position on the matter and further conversation would not have produced a different outcome that would be acceptable to Bonita and communicating with her was quite unrewarding. I gave the letter and chart to my boss, Dr. Brice Smith.

Bonita Loken is clearly upset about the loss of "Kayla" and likely has guilt because she chose not to seek medical attention for her pet when she needed it most. I cannot fault her for her sadness or desire to place blame on someone else but I do not believe in any way shape or form that I did not provide "Kayla" with the best medical care while she was under my supervision. As you can see, Bonita is not a reasonable person to deal with and her story continues to change. She was fully willing to accept free service from our hospital following "Kayla's" death without even mentioning her passing. She has spent the last 6 months harassing me about the death of her pet. I did nothing but provide quality medical care for her pet just like I would any other client. There was no neglect on my part that led to "Kayla's" death. The only neglect that I can see was Bonita's when she chose not to bring her pet in when she became ill.

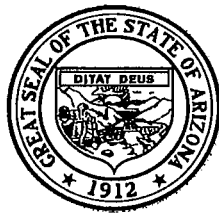
I hope this information helps you in your investigation.

Sincerely,



Jesse Baxter, DVM

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS STREET, STE. 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1-PET (1738) ♦ FAX (602) 364-1039

VETBOARD.AZ.GOV

INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Cameron Dow, DVM - **Absent**
William Hamilton
Brian Sidaway, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Dawn Halbrook – Compliance Specialist
Mary Williams – Assistant Attorney General

RE: Case: 20-31
Complainant(s): Bonita Loken
Respondent(s): Jesse Baxter, DVM (License: 4868)

SUMMARY:

Complaint Received at Board Office: 9/26/19
Committee Discussion: 12/3/19
Board IIR: 1/15/20

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On October 25, 2018, "Kayla," a 6-year-old female Mexican Gray Wolf was presented to Respondent for a dental procedure. The dog's teeth were cleaned and one tooth was extracted. The dog recovered and was discharged later that day with antibiotics and an NSAID.

On December 20, 2018, according to Complainant, the dog passed away. Complainant believed the dog's death was related to the dental procedure performed two months earlier.

Complainant was noticed and appeared telephonically.
Respondent was noticed and appeared telephonically.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Bonita Loken*
- Respondent(s) narrative/medical record: *Jesse Baxter, DVM*

PROPOSED 'FINDINGS of FACT':

1. On September 18, 2018, the dog was presented to Respondent for an exam and vaccines. Complainant reported that the dog had been scratching at her ears and snapping and biting at the air; the dog would then stand and drool. Complainant was concerned the dog had been stung. Upon exam, the dog had a weight = 51.6 pounds, a temperature = 101.4 degrees, a heart rate = 100bpm and a respiration rate = 30rpm; mucous membranes = pink, BAR, BCS = 6/9. Respondent noted moderate dental calculus and both ears were clean and dry but had wounds and flea dirt present. Respondent's assessment was dental disease and fleas. The dog was discharged with:

- a. Quadritop to both ears twice a day for 7 days;
- b. Nexgard 24-60 pounds, 3 months; and
- c. Apoquel 16mg, 5 tablets, ½ tablet orally twice a day.

2. On October 25, 2018, the dog was presented to Respondent for a dental with extractions if necessary. Complainant signed the surgical authorization form approving blood work, IV fluids and extractions. Upon exam, the dog had a weight = 51 pounds, a temperature = 100 degrees, a heart rate = 100bpm and a respiration rate = 18rpm; mucous membranes = pink. Blood was tested and showed an abnormal ALP = 17 (23 – 212). An IV catheter was placed and Lactated Ringer's Solution was initiated (TVI = 180mLs); the dog was pre-anesthetized with butorphanol 2.5mgs and a hub (amount not quantified) of acepromazine 10mg (route not noted in medical record; Respondent wrote SQ in narrative); induced with propofol 110mgs IV; and maintained on isoflurane and oxygen.

3. The dental procedure was performed; technical staff member, Ms. Turpin, cleaned the dog's teeth (scaled and polished) and injected 4mgs of lidocaine for a right caudal maxillary block so Respondent could extract tooth #109. Respondent extracted the tooth and closed the gingiva with 4-0 gut. The dog recovered smoothly and was discharged later that day with the following:

- a. Vetprofen 100mg, 5 tablets; give ½ tablet every 12 hours as needed for pain and inflammation; and
- b. Amoxicillin 500mg, 14 capsules; give 1 capsule twice daily until gone.

4. The following day, hospital staff called Complainant to get an update on the dog. Complainant advised that the dog was back to normal.

5. On January 16, 2019, Complainant presented her new pet, "Stella," to Respondent's premises, which was seen by an associate veterinarian, Dr. Yank, for a free Yavapai Humane Society exam. No information was given regarding the status of the dog, "Kayla."

6. On January 30, 2019, Complainant called Respondent's premises and spoke to staff relaying that the dog had passed away on December 20, 2018.

7. On February 25, 2019, Complainant called Respondent requesting her fees be reimbursed from the dental procedure because the dog died two months after the dental had been performed. Respondent expressed her condolences and asked what happened. Complainant reported that the dog was doing well after the dental and was eating up until two weeks before she died. The dog began to decline the first week in December – she would not eat or get up.

Complainant stated that she planned on bringing the dog in the day she died, but they had found her dead. Respondent apologized for her loss, but would not be refunding her money as she did not feel the dog's death was related to the dental procedure.

8. Complainant corresponded via letters with Respondent requesting reimbursement of fees. She expressed concerns that technical staff performed the dental, not Respondent, and that the infection in the dog's mouth was not completely cleaned out. Respondent responded back to Complainant stating that due to the length of time between the dental and the dog's death that it was unlikely that the dental caused the death of the dog. Complainant did not seek medical care when the dog's condition declined and there was not a necropsy performed to determine the actual cause of death.

COMMITTEE DISCUSSION:

The Committee discussed that they did not feel the dental procedure had anything to do with the death of the dog.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.



Tracy A. Riendeau, CVT
Investigative Division